and patient did not exist between plaintiff and defendant in any sense of the word. There the defendant was held liable for negligently advising the plaintiff that there would be no danger in her dressing an infection for her husband. The principal case was apparently decided on analogy with *Edwards* v. *Lamb,* but the duty of the defendant to plaintiff seems more debatable in the principal case for the reason that in the New Hampshire case the plaintiff might be considered the assistant or nurse, thereby establishing some sort of professional relationship while in the principal case no such relation existed. The only duty which the defendant owed to the plaintiff, by reason of being employed to give medical treatment to the plaintiff's child, was the contractual duty to apply his skill for the benefit of the child. However, this point apparently did not trouble the Minnesota court which relied upon the broad general principle of tort liability stated in *Depue* v. *Flatau,* 100 Minn. 299, that "whenever a person is placed in such a position with regard to another that it is obvious that, if he does not use due care in his own conduct, he will cause injury to that person, the duty at once arises to exercise care commensurate with the situation in which he thus finds himself, and with which he is confronted, to avoid such danger, and a negligent failure to perform the duty renders him liable for the consequence of his neglect." See also *Heaven* v. *Pender,* L. R. 11 Q. B. Div. 503. It is clear that, although originally defendant owed the plaintiff no more than a contractual duty, he, by assuming to advise the plaintiff, imposed upon himself a duty to use reasonable care in so doing. See *Black* v. *N. Y., New Haven & Hartford R. Co.,* 193 Mass. 448. The principal case is an excellent example of increasing favor of courts toward the principle quoted from *Depue* v. *Flatau, supra. Cf. Tustesen* v. *Penn. R. Co.* (N. J. 1919), 106 Atl. 137.

POSSESSION AND RIGHT OF POSSESSION OF A GROWING CROP.—The plaintiff owned apple trees growing eight feet from his boundary line. The branches of these trees overhung the defendant's land. The defendant picked apples off the overhanging branches and sold them. Plaintiff sued for damages for conversion. *Held,* the defendant is guilty of conversion and liable to the owner for the value of the apples. *Mills* v. *Brooker* (1919), v K. B. 555.

The decision is in perfect accord with a number of American decisions. *Cf. Lyman* v. *Hale* (1836), 11 Conn. 177; also TIFFANY, REAL PROPERTY, page 532, note 80, and the case would therefore be scarcely worthy of note, except for the court's complete refutation of the ingenious misuse by counsel of the statement in POLLOCK AND WRIGHT, ON POSSESSION, p. 230. It is there said that trespass to a chattel cannot be committed by severing and carrying away a growing crop, for possession of the chattel cannot come into existence until the thing becomes a chattel and as the carrying away and the converting are one continuous act there is no trespass to chattels as such. Neither is there a trespass to realty as the defendant had the right to lop the overhanging branches. The court answered these arguments by showing that the right to lop rests upon the right of the defendant to abate the nuisance caused by the growth of the branches over the defendant's land, but that this right cannot be used as a basis for a right of appropriation of the prop-

erty of the plaintiff, whether it be realty, personalty or the intermediate type, a growing crop. Furthermore, an action for conversion may rest either upon possession or upon the right to possession, and the latter right was plainly violated by the defendant when he took into his possession the property of the plaintiff. There is an interesting short note on this case in 25 LAW QUARTERLY REVIEW, 210.

PRIZE JURISDICTION—CAPTURE ON INLAND WATERS.—During the recent war the British Government requisitioned, armed, and commissioned small trading vessels on Lake Victoria Nyanza in East Africa. The Victoria Nyanza is an inland lake having no navigable connection with the ocean. All but the smallest craft plying upon it were transported overland, either whole or in sections, and then assembled if necessary and launched. After being commissioned certain of these vessels made captures of enemy craft and property. *Held,* that captures by commissioned ships of His Majesty's Navy on the waters of Lake Victoria Nyanza are the subjects of jurisdiction in prize. *In the matter of Certain Craft Captured on the Victoria Nyanza,* L. R. [1919], 1 P. D. 83.

Whether jurisdiction in prize extends to inland waters seems to have been an unsettled question in the English law until the decision in the principal case. During the recent war, Sir Samuel Evans is reported to have awarded prize bounty to armed motor launches brought from England and launched on Lake Tanganyika, also an inland lake (Lloyd's List, March 19, 1917), but it appears that the question of prize jurisdiction was not discussed. See L. R. (1919), 1 P. D. 83, 85. The question was discussed at length in the principal case. The decision was founded upon the proposition (1) that all enemy property is *prima facie* liable to capture, except as the right of capture has been limited by the Law of Nations, and (2) that captures by commissioned naval forces on inland waters fall within none of the established limitations. The decision is a logical inference from the nature and scope of prize jurisdiction. See *Lindo* v. *Rodney* (1782), 2 Doug. 613 (Lord Mansfield); *Brown* v. *United States* (1814), 8 Cr. 110, 129, 137 (dissenting opinion of Justice Story); *The Roumanian,* L. R. (1915), P. D. 26, 37 (Sir Samuel Evans). "The prize jurisdiction does not depend upon locality, but upon the subject matter." Per Story, J., in *Brown* v. *United States,* 8 Cr. 110, 139. In the United States, admiralty jurisdiction in general extends to the Great Lakes and navigable waters connecting them. *The Propeller Genesee Chief et al.* v. *Fitzhugh et al.* (1851), 12 How. 443, 451; *The Cotton Plant* (1870), 10 Wall. 577, 581 (*semble*); *United States* v. *Rogers* (1893), 150 U. S. 249, 252 (*semble*). The admiralty courts exercised jurisdiction in prize over captures made on inland waters during the Civil War. *Six Hundred and Eighty Pieces of Merchandise* (1863), 22 Fed. Cas. 252; *United States* v. *Two Hundred and Sixty-Nine and One-Half Bales of Cotton* (1868), 28 Fed. Cas. 302 (*semble*). This seems also to have been the Italian and the German practice during the recent war. See L. R. (1919). 1 P. D. 83, 87. Capture would hardly fall within prize jurisdiction unless naval forces at least participated. See *The Rebeckah* (1799), 1 C. Rob. 227; *The Island of Trinidad* (1804), 5 C. Rob. 92;